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Case No.: 99,395-B

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Compositions and Methods for Increasing Cholesterol Efflux and  
Raising HDL Using ATP Binding Cassette Transporter Protein ABC1**

the specification of which is attached hereto unless the following space is checked:

☒ was filed on June 16, 2000 as United States Application Serial Number  
09/596,141.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States; listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/140,264	June 18, 1999
2.	60/153,872	September 14, 1999
3.	60/166,573	November 19, 1999

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
1.		
2.		

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Denis A. Berntsen	Reg. No. 26707	James M McCarthy	Reg. No. 39296
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Daniel A. Boehnen	Reg. No. 28399	Jeremy Noe	Reg. No. 40104
Bradley J. Hulbert	Reg. No. 30130	Sean M. Sullivan	Reg. No. 40191
Paul H. Berghoff	Reg. No. 30243	Timothy R. Baumann	Reg. No. 40502
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Richard M. Lawn

Inventor's signature: *Richard M. Lawn* Date: 8-21-00  
 Residence: 1927 8<sup>th</sup> Avenue, San Francisco, California 94116  
 Citizenship: United States  
 Post Office Address: 1927 8<sup>th</sup> Avenue, San Francisco, California 94116

Full name of second joint inventor: David Wade

Inventor's signature: 

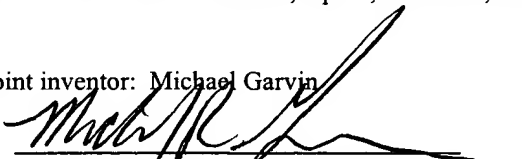
Date: 8/10/00

Residence: 383 Curtner Avenue, Apt. 1, Palo Alto, California 94306

Citizenship: Great Britain

Post Office Address: 383 Curtner Avenue, Apt. 1, Palo Alto, California 94306

Full name of third joint inventor: Michael Garvin

Inventor's signature: 

Date: 8/10/00

Residence: 17 White Street, San Francisco, California 94109

Citizenship: United States

Post Office Address: 17 White Street, San Francisco, California 94109



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney's Docket No. 99,395-B)

Applicant or  
Patentee: Richard M. Lawn, David Wade, Michael Garvin

Serial or  
Patent No. 09/596,141 Filed or  
Issued: June 16, 2000

Title: COMPOSITIONS AND METHODS FOR INCREASING CHOLESTEROL EFFLUX AND RAISING HDL, USING ATP BINDING CASSETTE TRANSPORTER PROTEIN ABC1

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. § 1.9(f) AND § 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: CV THERAPEUTICS, INC.

ADDRESS OF CONCERN: 3172 Porter Drive, Palo Alto, CA 94304

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled COMPOSITIONS AND METHODS FOR INCREASING CHOLESTEROL EFFLUX AND RAISING HDL, USING ATP BINDING CASSETTE TRANSPORTER PROTEIN ABC1

by inventors Richard M. Lawn, David Wade, and Michael Garvin  
described in

☐  
☒  
☐

the specification filed herewith.

Application Serial No. 09/596,141 , filed June 16, 2000 .

Patent No. \_\_\_\_\_ , issued \_\_\_\_\_ .

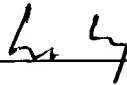
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Louis G. Lange, III, M.D., Ph.D.

TITLE IN ORGANIZATION: Chairman and CEO

ADDRESS OF PERSON SIGNING: 3172 Porter Drive, Palo Alto, CA 94304

Signature: 

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Date: September 08, 2000